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To: Sue Stendebach, Chief
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Washington, DC 20460

From: Ken Mc Nabb, Director
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Subject: **CRITICAL USE EXEMPTION FOR METHYL BROMIDE**

The Auburn University Southern Forest Nursery Management Cooperative is a research and technology program administered by Auburn University with the mission to improve the technology for producing forest tree seedlings in the South. As such the Coop deals directly with the producers of over one billion seedlings per year or 70% of all tree planting in the United States. Forest tree nurseries use methyl bromide as a soil fumigate, usually on rotations of four years, to assist in the control of soil-bourne pathogens, weeds, and insects. It also has a demonstrable affect on increasing seedling size which translates into higher outplanting survival and accelerated early plantation growth. We have considerable data to support this.

For several years the Coop has been engaged in research to identify a cost effective suitable substitute for MBr. To date we have not found one. All of the compounds we have tested, either alone or as mixed applications, are either (1) not as effective, (2) provide no growth boost to seedlings, (3) are highly variable as to their efficiency, (4) have proven dangerous to work with, or (5) all of the above. We would very much like to see the continued availability of MBr for forest tree nursery use.

Last year the Coop formed a Task Force to pursue our options relative to MBr. One of the first topics discussed was the possibility for pursuing a Critical Use Exemption as provided in the Montreal Protocol. Very early in our discussions we came to the conclusion the CUE process is NOT a viable option for the following reasons:

1. The Critical Use Exemption (CUE) will only be given **after** production of MBr production stops in January 2005. *By that time the price of MBr will be beyond the economic threshold of forest tree nurseries.* The price of MBr fumigation has nearly doubled in the last two years and we are right at the point where nursery budgets can no longer afford it.

2. *The Critical Use Exemption process is lengthy yet only results in a one year exemption.* By our estimates it will take three years to complete the process, yet the output is a single year of exemption. This system simply is not practical for agricultural uses. While a single year exemption may have worked for industrial products such as freon, there is no practical application in our situation.

3. *We feel the CUE process is fraught with politics.* Unfortunately, EPA policies are influenced by the political landscape in which it operates and is certainly guided by the philosophy of the EPA directorship. Most people in agriculture (myself included) feel that during the 92-00 period, the EPA was definitely anti-pesticide and not driven by science based opinions. In addition, a CUE must go through a public comment each time it is forwarded. We are reluctant to jump through political hoops every year in a CUE process that is politically influenced.

   The politics of a CUE gets to be even more complex once the EPA passes it to the international committees for review. It is our understanding there is both a MBr Technical Options Committee (MBTOC) and the MBr Economics Options Committee (MBEOC). It is our understanding a wide spectrum of environmental, cultural, and political philosophies are represented on these committees. More political hoops to jump through every year.

4. Finally, *we are skeptical that the requirements for a CUE as specified in the Montreal Protocol can be achieved in a practical matter.* For example, the EPA must forward a request to the Protocol committees that shows, "the specific use is critical because of a lack of availability of MBr for that use would result in a significant market disruption." How does the EPA propose to do this for a compound that is used for the variety of crops where MBr is critical? Will a separate CUE have to be prepared for tree seedlings, peaches, tomatoes, grain fumigation, etc.? Will we have to determine "market disruption" and "technically and economically feasible alternatives" for all the myriad of crops where MBr is used? This sound like a daunting task and one where forest tree nurseries may not be a high priority.

In summary, the forestry community in the South does not believe the CUE process as currently formulated within the Montreal Protocol will provide us any relief regarding the continued availability of Methyl Bromide. We have resolved the only practical solution is political and the membership of the Coop will be working with their congressional representatives to find a suitable solution for the continued availability of this essential compound.

If I can be of any further assistance, please do not hesitate to ask.